

REMARKS

Claims 1-16 are pending in this application. By this amendment, Applicant has amended claims 1-4, 7, 14 and 15, canceled claim 16 without prejudice or disclaimer and added claims 17-28.

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

**Objections to the Title:**

The title of the application was objected to as not being descriptive. Applicant has amended the title in that regard. Accordingly, Applicant respectfully requests that the objection be withdrawn.

**Rejections Under 35 U.S.C. § 101:**

Claims 15 and 16 were rejected under 35 U.S.C. §101 as not being drawn to statutory subject matter. Applicant has amended claim 15 in that regard and has canceled claim 16. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

**Rejections Under 35 U.S.C. §§102/103:**

Claims 1-4, 6-10 and 13-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Microsoft Windows XP Operating System, released October 25, 2001 (“Microsoft”) and Rathbone, Windows XP for Dummies Copyright 2001 (“Rathbone”), as extrinsic evidence of Microsoft.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Microsoft in view of US2002/0191029 to Gillespie et al. (“Gillespie”).

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Microsoft in view of U.S. 5,910,802 to Shields et al. (“Shields”).

By the present amendment, claim 1 is amended to clarify that "the presentation of a particular menu option includes a non-textual indication of the associated status indicator".

Claims 2 and 3 are revised for consistency with amended claim 1.

Claims 3 and 7 are amended to replace the term "focus window" with "focus region", as discussed in detail below.

In addition, claim 4 is amended to correctly specify that the presentation of the menu option, rather than the status indicator, includes an icon. This is consistent, e.g., with the menus depicted in Figures 1a, 1b, 5 and 6 of the specification.

Turning to the prior art rejections, Applicant respectfully submits that claim 1, as amended, is not anticipated by, or obvious in view of, Microsoft.

Applicant's invention, as defined by amended claim 1, is directed to a device comprising a user interface and a processor configured to: receive a request for access to a menu from a user; compile a list of menu options; determine whether an application associated with a menu option is active or inactive and associate a corresponding status indicator with the menu option; and display the list of menu options, where the presentation of a particular menu option includes a non-textual indication of the associated status indicator.

The Examiner considers claim 1 to lack novelty, based on the taskbar 6 displayed on a "desktop" in the Windows XP® operating system shown in Figure 1 of Microsoft. However, it is respectfully submitted that the shading and indentation of a taskbar button 2, 4 cited by the Examiner (against what the Examiner refers to as claimed feature "c") does not, in fact, indicate the active or inactive status of a corresponding application.

Applicant attaches hereto, as Exhibit A, a screenshot that includes the definition of the terms "taskbar" and "taskbar button" from the current Help and Support pages for Windows XP Professional, which read as follows:

"taskbar button

A button that appears on the taskbar and corresponds to a running application."

This definition demonstrates that each of the buttons 2, 4 in the taskbar 6 of Microsoft corresponds to an application that is currently active. Hence, Figure 1 of Microsoft does not show taskbar buttons corresponding to inactive applications.

Moreover, the shading and indentation cited by the Examiner merely indicates the selection of one of the currently active applications by a user. In the particular example shown in Figure 1 of Microsoft, the shading and indentation therefore indicate the active status of the window 8 relating to the application, such as its readiness to receive user input. The differences in the shading and indentation of taskbar buttons 2 and 4 in Figure 1 do not correspond to differences in the active or inactive statuses of the corresponding applications.

Thus, the compilation of the taskbar 6 of Microsoft does not include a determination of whether an application associated with a menu option is active or inactive and the association of a corresponding status indicator with the menu option (feature "c"), as required by amended claim 1. Each of the "menu options", i.e. taskbar buttons 2, 4 shown in Microsoft must correspond to an active application in order to be included in the taskbar 6. Nor are the taskbar buttons 2, 4 of Microsoft displayed in a manner that includes an indication of the status of the associated application (what the Examiner refers to as feature "d"), as further required by amended claim 1.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated by Microsoft.

Furthermore, due to the difference in the purpose of the status indicators of the present application and the taskbar buttons of Microsoft, it would not have been obvious for one of ordinary skill in the art at the relevant time to amend the taskbar 6 to provide a list of both active and inactive applications, to determine whether the applications associated with menu options in that list are active or inactive, to associate a status indicator according to the result of said determination and to present the menu options in accordance with their respective status indicators. Therefore, Applicant further submits that the present invention, as defined by amended claim 1, imparts an inventive step over the teaching of Microsoft.

Accordingly, Applicant respectfully submits that claim 1, as amended, is allowable over Microsoft. Claim 14, as amended, contains features similar to those found in amended claim 1, and thus, is allowable for at least the same reasons as set forth above in urging the allowance of claim 1.

**Dependent Claims:**

The subject matter of claims 2 to 15 is also novel and inventive by way of dependency on amended claim 1. However, the following comments are made with respect to the novelty rejections of the dependent claims.

The Examiner has rejected claim 3, considering the focus window recited therein to be anticipated by the window 8 of Figure 1 of Microsoft. The term "focus window" when used in the present application is intended to indicate a window 27 (see, e.g., Figures 1a, 5 and 6) that can be controlled by a user to highlight a selected option within a list of menu options. However, the Examiner considers the term "focus window" to cover the window 8 associated

with a currently running application selected by the user, shown in Figure 1 of Microsoft. Applicant has amended claim 3 (and claim 7) by replacing the term "focus window" with the term "focus region" to further distinguish this feature of the present invention from the application window of Microsoft.

In any event, the window 8 of Microsoft fails to meet the requirements of amended claim 3. Claim 3, as amended, requires that "the menu option corresponding to the position of the focus region includes the non-textual indication of its associated status indicator". Although the window in Microsoft may be presented in the foreground of the desktop display and may have other attributes, such as the use of different colors, to distinguish the window 8 from others, these differences in presentation indicate the active status of the window 8, and not the active status of the associated application. Therefore, Applicant respectfully submits that claim 3 is not anticipated by Figure 1 of Microsoft.

The Examiner's rejections of claims 6, 7 and 8 are based on the icons in the taskbar 6 of Microsoft which identify the application, and do not include an indication of status.

Claim 6 requires that the application status is indicated by color properties of the icons. The Examiner has rejected this claim, citing the taskbar buttons 2, 4. It is noted that the icons included in the taskbar buttons 2, 4 relate to the identity of the corresponding application. For instance, taskbar buttons 2, 4 include icons that indicate that they are instances of the Internet Explorer® application, while the use of a different icon in the taskbar button on the lower left indicates that a corresponding window entitled "Administrative Tools" relates to another type of application. The icons in the taskbar buttons 2, 4 of Microsoft do not relate to the status of the associated application. Therefore, Applicant respectfully submits that claim 6 is not anticipated by Microsoft.

The rejections of claims 7 and 8 are also respectfully traversed. Microsoft does not disclose the production of an alert when a menu option corresponding to the position of the focus window is associated with an active status indicator (i.e., an indicator showing that the associated application is currently active). It is not clear how the Examiner has interpreted the term "focus window" when considering these claims. However, the shading and indentation of the taskbar button 2 in Figure 1 is produced when the application associated with the taskbar button 2 is selected by a user, either by selecting the taskbar button 2 with a cursor/mouse or by selecting a window on the desktop corresponding to that application. Therefore, the shading and indentation is activated in response to the selection of an application, rather than the positioning of a focus region at a location corresponding to a currently active application. Consequently, Applicant respectfully submits that Microsoft does not anticipate claims 7 and 8.

Applicant does not believe it necessary at this time to further address the rejections of the dependent claims as Applicant believes that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

**New Claims:**

Applicant has added new claims 17-28. Claims 17-20 are directed to a user interface. Claims 21-27 are method counterparts to device claims 2-8. Claim 28 is a means-plus-function counterpart to apparatus claim 1. Applicant respectfully submits that claims 17-28 are allowable for at least the same reasons as set forth above in urging the allowance of, e.g., amended claim 1.

**CONCLUSION**

Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

**AUTHORIZATION**

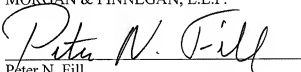
The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4252.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4252.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 5, 2007

By:

  
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# Exhibit A





# Index

Type in the keyword to find:

defined

## taskbar

- new looks and customization
- adding FilterKeys icon to taskbar
- adding toolbars to
- animation, turning on and off
- closing button
- displaying network connection icon in
- grouping buttons
- grouping buttons by program
- hiding
- history of documents (My Documents)
- input locale indicator notification area language
- loading into position
- moving
- notification area
- properties
- starting open windows to buttons
- speakers
- starting program as button
- using grouped buttons
- viewing grouped files
- taskbar buttons
- doing

Display

## Search

bar

Search options

Change View Print... Locate in Contents

Symbols A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A utility that provides information about programs and processes running on the computer. Using Task Manager, you can end or run programs and end processes, and display a dynamic overview of your computer's performance.

## taskbar

The bar that contains the Start button and appears by default at the bottom of the desktop. You can click the taskbar buttons to switch between programs. You can also hide the taskbar, move it to the sides or top of the desktop, and customize it in other ways.

See also: desktop; taskbar; button; notification area

## taskbar button

A button that appears on the taskbar and corresponds to a running application.

See also: taskbar

## TCP

Transmission Control Protocol.

## TCP/IP

See definition for: Transmission Control Protocol/Internet Protocol (TCP/IP)

## Telephony API (TAPI)

An application programming interface (API) used by communications programs to work with telephony and network services. Communications programs like HyperTerminal and the Control Panel use TAPI to communicate with modems and other serial telephony devices, including PBXs, modems, and fax machines. TAPI 3.0 also provides Internet Protocol (IP) telephony support, which Phone Dialer and other programs use to transmit, route, and control real-time audio and video signals over IP-based networks such as the Internet.

See also: services; Internet Protocol (IP); modem (modulator/demodulator); application